

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

Javier Canales

v.

Doug Dretke, Director TDCJ-CID

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C.A. NO. C-00-396


**MEMORANDUM OPINION AND ORDER DENYING PETITIONER'S MOTION
FOR RELIEF FROM JUDGMENT**

On April 12, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 51). Objections were timely filed (D.E. 54).

Petitioner's objections are without merit. Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, petitioner's motion for relief from judgment (D.E. 43) is denied. Petitioner's motion to stay further proceedings on his motion for relief from judgment (D.E. 55) is denied as moot. Petitioner's motion to appoint counsel (D.E. 56) is granted. The Court appoints attorney William Edward May Jr. to serve as counsel for petitioner in this matter. Petitioner's motion for leave to use the original record on appeal (D.E. 57) is denied as premature.

ORDERED this 22 day of August, 2006.


HAYDEN HEAD
CHIEF JUDGE